

DETAILED ACTION

1. This application claims benefit of the foreign application:
GERMANY 103 33 042.9 with a filing date 07/21/2003.
2. The oath or declaration filed on January 20, 2006 has been accepted by the Examiner. The citizenship of all inventors has been identified.
3. Amendment including cancellation of claim 9, addition of claim 12 and a terminal disclaimer in the amendment filed on July 30, 2008 is acknowledged. Claims 1-8 and 10-12 are pending in the application. No new matter has been found. Since the newly added claim 12 is commensurate with the scope of the invention, claims 1-8 and 10-12 are prosecuted in the case.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Cathy R. Mooreon October 23, 2008. The application has been amended as follows:

Delete claim **12**.

Reasons for Allowance

5. Since the terminal disclaimer has been filed and approved in the Office, the provisional rejection of claims 1-8 and 10-11 under the obviousness-type double patenting over Wehner et al. co-pending application No. 12/061,124 has been overcome in the amendment filed on July 30, 2008.

6. Claims 1-8 and 10-11 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. The closest reference is Roscher et al. US 5,319,138. The difference between the reference and instant claims is that the instant processes have not been found. A suggestion for modification of above reference to obtain the instant processes has not been found. Claims 1-8 and 10-11 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /
Primary Examiner, Art Unit 1626

October 29, 2008

Application Number**Application/Control No.**

10/565,470

**Applicant(s)/Patent under
Reexamination**

WEHNER ET AL.

Examiner

REI-TSANG SHIAO

Art Unit

1626